

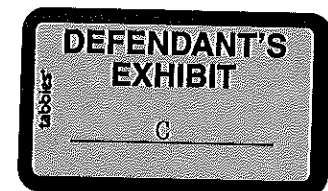
ALVERENE BUTLER

V.

**ALABAMA DEPARTMENT OF TRANSPORTATION, et
al.**

KAREN STACEY

January 4, 2007



**Reagan Reporters, LLC
Phone: 334.262.7556
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KAREN STACEY - 1/4/2007

<p>1</p> <p>IN THE UNITED STATES DISTRICT CIRCUIT FOR THE MIDDLE DISTRICT OF ALABAMA NORTHERN DIVISION</p> <p>ALVERENE BUTLER, Plaintiff,</p> <p>vs. CASE NO. 2:06-CV-278-MEF</p> <p>ALABAMA DEPARTMENT OF TRANSPORTATION, et al., Defendants.</p> <p style="text-align: center;">* * * * *</p> <p style="text-align: center;">DEPOSITION OF KAREN STACEY,</p> <p>taken pursuant to notice and stipulation on behalf of the Plaintiff, and the ALABAMA DEPARTMENT OF TRANSPORTATION, 1409 Coliseum Boulevard, Room K-101, Montgomery, Alabama 36130-3050, before DAWN A. GOODMAN, Certified Shorthand Reporter and Notary Public in and for the State of Alabama at Large, on Thursday, January 4, 2007, commencing at 10:10 o'clock a.m.</p>	<p>3</p> <p>1 STIPULATIONS</p> <p>2 It is hereby stipulated and agreed by</p> <p>3 and between counsel representing the parties</p> <p>4 that the Deposition of Karen Stacey is taken</p> <p>5 pursuant to notice and stipulation on behalf of</p> <p>6 the Plaintiff; that all formalities with</p> <p>7 respect to procedural requirements are waived;</p> <p>8 that said deposition may be taken before</p> <p>9 DAWN A. GOODMAN, Certified Shorthand Reporter</p> <p>10 and Notary Public in and for the State of</p> <p>11 Alabama at Large, without the formality of a</p> <p>12 commission; that objections to questions, other</p> <p>13 than objections as to the form of the</p> <p>14 questions, need not be made at this time, but</p> <p>15 may be reserved for a ruling at such time as</p> <p>16 the deposition may be offered in evidence or</p> <p>17 used for any other purpose as provided for by</p> <p>18 the Civil Rules of Procedure for the State of</p> <p>19 Alabama.</p> <p>20 It is further stipulated and agreed by</p> <p>21 and between counsel representing the parties in</p> <p>22 this case that the filing of the Deposition of</p> <p>23 Karen Stacey is hereby waived and that said</p>
<p>2</p> <p>1 APPEARANCES</p> <p>2</p> <p>3 FOR THE PLAINTIFF:</p> <p>4 JAY LEWIS, Esquire</p> <p>5 847 South McDonough Street</p> <p>6 Suite 100</p> <p>7 P.O. Box 5059</p> <p>8 Montgomery, Alabama 36104</p> <p>9</p> <p>10 FOR THE DEFENDANTS:</p> <p>11 HARRY LYLES, Esquire</p> <p>12 Alabama Department of Transportation</p> <p>13 1409 Coliseum Boulevard</p> <p>14 Room K-101</p> <p>15 Montgomery, Alabama 36130-3050</p> <p>16</p> <p>17 ALSO PRESENT:</p> <p>18 Alverene Butler</p> <p>19 Todd Jackson</p> <p>20 Mark Waits</p> <p>21</p> <p>22</p> <p>23</p>	<p>4</p> <p>1 deposition may be introduced at the trial of</p> <p>2 this case or used in any other manner by either</p> <p>3 party hereto provided for by the Statute,</p> <p>4 regardless of the waiving of the filing of</p> <p>5 same.</p> <p>6 It is further stipulated and agreed by</p> <p>7 and between the parties hereto and the witness</p> <p>8 that the signature of the witness to this</p> <p>9 deposition is hereby waived.</p> <p>10</p> <p>11 * * * * *</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p>

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<p>6</p> <p>1 PROCEEDINGS</p> <p>2 THE COURT REPORTER: Did counsel</p> <p>3 want the usual stipulations?</p> <p>4 MR. LEWIS: Sure.</p> <p>5 MR. LYLES: That's fine.</p> <p>6</p> <p>7 (KAREN STACEY,</p> <p>8 of lawful age, having</p> <p>9 been duly sworn,</p> <p>10 testified as follows:)</p> <p>11</p> <p>12 EXAMINATION</p> <p>13</p> <p>14 BY MR. LEWIS:</p> <p>15 Q. (By Mr. Lewis) Tell us your name, please.</p> <p>16 A. Karen Stacey.</p> <p>17 Q. Ms. Stacey, how are you employed today?</p> <p>18 A. Retired.</p> <p>19 Q. Okay. When did you retire?</p> <p>20 A. April 1st, 2006.</p> <p>21 Q. And from what did you retire?</p> <p>22 A. DOT.</p> <p>23 Q. What was your job at DOT, your last</p>	<p>8</p> <p>1 A. Under Division Six. It's in Montgomery</p> <p>2 County.</p> <p>3 Q. And so I'm familiar with it, or aware of</p> <p>4 it, the Department is divided into</p> <p>5 divisions. And do those Divisions govern</p> <p>6 a specific geographical area?</p> <p>7 A. Yes, sir.</p> <p>8 Q. Okay. And Division Six is in</p> <p>9 Montgomery?</p> <p>10 A. Yes, sir.</p> <p>11 Q. And under each division there are a</p> <p>12 number of districts?</p> <p>13 A. Yes, sir.</p> <p>14 Q. Okay. How many districts are there in</p> <p>15 Division Six?</p> <p>16 A. I don't know. I think five.</p> <p>17 Q. Okay. Let me go through just a couple of</p> <p>18 little points before we go any further.</p> <p>19 We are taking your deposition in the case</p> <p>20 that Ms. Butler has filed against the</p> <p>21 Department of Transportation and certain</p> <p>22 individuals. We are going to be asking a</p> <p>23 few more questions.</p>

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<p style="text-align: right;">9</p> <p>)</p> <p>1 If you don't understand a</p> <p>2 question, I'm asking, please tell me.</p> <p>3 There are no right answers or wrong</p> <p>4 answers. They are just answers. If I'm</p> <p>5 using a word with which you are not</p> <p>6 familiar, or a concept with which you are</p> <p>7 not familiar, I will ask you to stop me</p> <p>8 and make me clarify it, because we all</p> <p>9 ask questions in a convoluted fashion</p> <p>10 sometimes. This is not going to be a</p> <p>11 long deposition. But if at any time you</p> <p>12 need to take a break, that's fine. Take</p> <p>13 a break.</p> <p>14 The questions I have to ask</p> <p>15 everybody: Are you under the influence</p> <p>16 of any medications or other substance</p> <p>17 that might alter your ability to perceive</p> <p>18 what I am asking to give an accurate,</p> <p>19 truthful response?</p> <p>20 A. No.</p> <p>21 Q. Okay. Have you ever given your</p> <p>22 deposition before?</p> <p>23 A. Yes.</p>	<p style="text-align: right;">11</p> <p>1 A. Todd Jackson.</p> <p>2 Q. When did you first begin reporting to</p> <p>3 Todd Jackson?</p> <p>4 A. I'm not sure the exact year.</p> <p>5 Q. Had you worked under another supervisor</p> <p>6 prior to that?</p> <p>7 A. Yes.</p> <p>8 Q. And who was that?</p> <p>9 A. Jimmy Bradshaw.</p> <p>10 Q. Jimmy who?</p> <p>11 A. Bradshaw.</p> <p>12 Q. Bradshaw. And when you left</p> <p>13 Mr. Bradshaw's supervision to go to the</p> <p>14 last job you had, was that a change of</p> <p>15 locations, a change of projects, or</p> <p>16 what?</p> <p>17 A. Jimmy Bradshaw quit the State, and Todd</p> <p>18 took his place.</p> <p>19 Q. Okay. So it was just a replacement of</p> <p>20 the supervisor?</p> <p>21 A. Uh-huh, yes.</p> <p>22 Q. Who did you work for prior to</p> <p>23 Mr. Bradshaw?</p>
<p style="text-align: right;">10</p> <p>)</p> <p>1 Q. Then you probably know most of the ground</p> <p>2 rules. The one that I will ask you to</p> <p>3 adhere to is please answer my questions</p> <p>4 verbally with a "yes" or a "no." Don't</p> <p>5 nod your head, shake your head or say</p> <p>6 "uh-huh" or "huh-huh." Okay?</p> <p>7 A. Okay.</p> <p>8 Q. All right. When did you first meet</p> <p>9 Ms. Butler?</p> <p>10 A. When she came -- well, when she come to</p> <p>11 the District Three, I'm not sure what</p> <p>12 year.</p> <p>13 Q. When, again, did you come to District</p> <p>14 Three?</p> <p>15 A. 1988.</p> <p>16 Q. Were you always under the same</p> <p>17 supervisors since 1988?</p> <p>18 A. Was I?</p> <p>19 Q. Yes.</p> <p>20 A. No.</p> <p>21 Q. What supervisor -- to what supervisor did</p> <p>22 you report at the time of your</p> <p>23 retirement?</p>	<p style="text-align: right;">12</p> <p>1 A. Mr. Wiliford.</p> <p>2 Q. And did Mr. Bradshaw replace Mr. Wiliford</p> <p>3 or did you transfer?</p> <p>4 A. I think so.</p> <p>5 Q. You think what?</p> <p>6 A. I don't recall right this minute, I am</p> <p>7 thinking Richard retired and then Jimmy</p> <p>8 took his place.</p> <p>9 Q. In other words --</p> <p>10 A. But I can't remember.</p> <p>11 Q. During that period of time you didn't</p> <p>12 move or change offices, but your</p> <p>13 supervisors changed above you?</p> <p>14 A. Well, we changed locations because, as</p> <p>15 they build roads or projects they tear</p> <p>16 down houses sometimes, so we had to move</p> <p>17 locations, but I was still in the same</p> <p>18 project.</p> <p>19 Q. Same group?</p> <p>20 A. Uh-huh, yes.</p> <p>21 Q. All right. Okay. So you were already in</p> <p>22 the group when Ms. Butler moved in?</p> <p>23 A. Yes.</p>

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<p>13</p> <p>1 Q. When she got there, how did you two get 2 along? 3 A. Fine. 4 Q. Did you have an opportunity to work with 5 her? 6 A. Yes. 7 Q. How was her work performance? 8 A. I mean, it was fine. I'm not her 9 supervisor, but we did our job. 10 Q. Okay. And you don't have any particular 11 complaints about the way she did her 12 job? 13 A. I mean, I wasn't in a position to 14 complain. 15 Q. You worked with her? 16 A. Well, not at first. 17 Q. Okay. 18 A. We were in the same office. 19 Q. When did you start working with her? 20 A. There was Project Engineers in the same 21 building. She worked for one, and I 22 worked for one. 23 Q. Okay.</p>	<p>15</p> <p>1 A. Yes. 2 Q. Okay. You poured concrete? 3 A. No. That's the contractor's job. 4 Q. Did you pour cylinders for testing? 5 A. Yes. 6 Q. You did? Okay. Did you take those 7 cylinders to the place to be tested? 8 A. Yes. 9 Q. Did you perform other measurements and 10 tests? 11 A. Yes. 12 Q. And did Ms. Butler do that too? 13 A. Yes. 14 Q. Did you ever suggest to Mr. Jackson that 15 Ms. Butler had not worked the hours that 16 she claimed to have worked? 17 A. No. 18 Q. Did you make that claim about either 19 Mr. Johnson or Mr. Wynn or Ms. Knight? 20 A. No. 21 Q. Were you involved in an automobile 22 accident sometime in 2005? 23 A. Yes.</p>
<p>14</p> <p>1 A. Then she was moved eventually to the one 2 that I was with, and we worked in the 3 office, and then when we got a paving 4 project, we both went out to the field 5 together. 6 Q. So you had an opportunity to observe her 7 in the field and her work? 8 A. Yes. 9 Q. Any particular complaints about the way 10 she did her work? 11 A. I mean, I don't understand what you want 12 me -- 13 Q. Let me back up. Did she do her work well 14 from what you observed? 15 A. As long as me and her were together. I 16 can't tell you when we weren't 17 together. 18 Q. Right; as long you were together, her 19 work was good? 20 A. We did what we were supposed to do. 21 Q. All right. Okay. When you were in the 22 field, did you actually do manual 23 labor?</p>	<p>16</p> <p>1 Q. Tell me about that accident. 2 A. We had left the job site to go get 3 something to eat at Taco Bell, and I was 4 pulling across traffic. It was raining, 5 and I was in the suicide lane, and I -- 6 there was nothing coming from down toward 7 the interstate our way, and I pulled 8 across. And a guy at Entec, he pulled 9 out, and I was committed, tried to stop. 10 It was raining and, you know, me and 11 Alverene both were yelling, you know, 12 "He's going to hit us," or Alverene was 13 yelling, "stop" and he came across the 14 front of the car. 15 Q. Okay. 16 A. Truck. 17 Q. Did you hit him, or did he hit you? That 18 may be a bad question. First of all, 19 tell me what a suicide lane is. 20 A. It's the lane in the mirror that has 21 arrows pointing both ways, you know. 22 That's what I think we just kind of 23 call -- we call it.</p>

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<p>17</p> <p>1 Q. When I am asking who hit whom, you didn't 2 hit head on? 3 A. No. 4 Q. Okay. Did your car -- the front of your 5 car -- impact the other car? 6 A. No; he come across, the front of mine. 7 Q. Okay. So the front of his car hit your 8 car? 9 A. Yes. He come across the side of his 10 car. 11 Q. All right. 12 A. Hit the front of the truck. 13 Q. Okay. Well, that's what I am asking. 14 You were continuing to drive forward and 15 he cut in front of you; correct? 16 A. Correct. 17 Q. Okay. And you hit the side of his car? 18 A. He come across the front of the State 19 truck. My air bags didn't go off. I did 20 not strike him. The air bags didn't go 21 off or nothing. He was pulling out of 22 Entec. I was trying to stop. The roads 23 were wet and, when we came to a stop, he</p>	<p>19</p> <p>1 A. Yes. 2 Q. Okay. And how did you become aware of 3 that? 4 A. From James Feagin. 5 Q. Who is James Feagin? 6 A. He was an EA with us. 7 Q. Is he now deceased? 8 A. Yes. 9 Q. And what exactly did James Feagin tell 10 you? 11 A. That that's what Rene was saying. 12 Q. What was? 13 A. That I said M-F-N. 14 Q. Okay. Did he also tell you that she had 15 told a different version of how the 16 accident occurred? 17 A. I don't remember him saying that. We 18 were talking about what the racial slurs 19 were. 20 Q. Okay. So it was your understanding that 21 she had reported to somebody that you had 22 used that racial slur? 23 A. To the other Blacks.</p>
<p>18</p> <p>1 had went across and he hit the front of 2 the State truck. 3 Q. And did you report to anybody about that 4 accident? 5 A. Yes. 6 Q. And to whom are you required to report 7 when you have an accident like that? 8 A. If there is an injury, 911, and Todd. 9 Q. You report to your supervisor? 10 A. Yes. 11 Q. At any point immediately following that 12 accident, did you comment to Alverene or 13 anybody else, quote, "did you see that 14 stupid motherfucking nigger hit me?" 15 A. No. 16 Q. You didn't say anything like that? 17 A. No. 18 Q. Never used that word? 19 A. No. 20 Q. All right. Did, at some point, you 21 become aware that Alverene had told a 22 different story about that accident than 23 you did?</p>	<p>20</p> <p>1 Q. Okay. But that's something that you 2 deny? 3 A. Yes. 4 Q. At some point, did you discuss that 5 matter with Ms. Butler? 6 A. Yes. 7 Q. Okay. Tell me when that happened. 8 A. Do you want the date? It was in April. 9 Q. Okay. Of 2005? 10 A. Yes. The wreck happened in January. 11 Q. Tell me how that conversation came about. 12 A. We were out on the job site taking 13 cross-sections and, Jesse made the 14 comment that if Rene had something to say 15 she should go on and say it. So we were 16 trying to take cross-sections, so I told 17 her, I asked, did she have something to 18 say. She got out of the truck. She come 19 over there and said that I said M-F-N. 20 Q. Okay. And what happened then? 21 A. I denied it. 22 Q. Anything else? 23 A. What are you asking?</p>

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<p style="text-align: right;">21</p> <p>1 Q. Tell me the whole conversation. All I 2 here -- 3 A. With all of the employees or just with 4 me? 5 Q. With you and Ms. Butler. 6 A. I denied it, and she said that that's 7 what I said. 8 Q. Was there anything further to that 9 conversation? 10 A. With other employees, there was. 11 Q. And tell me about that. 12 A. Because she said I was lying. I told her 13 she was lying, and then there was other 14 things that were being said that she said 15 that James Feagin said, and I had already 16 confronted James with that when the 17 others came out. So I asked James, Did 18 he say that he was going to string me up 19 on the job if she didn't watch my back? 20 And he said, "No." Then I told her then 21 she was lying. 22 Q. So who initiated that conversation? 23 A. Jesse.</p>	<p style="text-align: right;">23</p> <p>1 Jesse made that statement? 2 A. I don't remember. 3 Q. And that was the statement in which he 4 said that she accused you of using a 5 racial slur; is that correct? 6 A. No, he said if she had something to say, 7 she should say it. 8 Q. Okay. And then you asked that she go 9 ahead and say it if she had something to 10 say; correct? 11 A. I just made that statement, but we were 12 trying to move the tapes and stuff to 13 finish cross-sections. 14 Q. All right. You had indicated that there 15 was some other conversations with some 16 other employees on the site, and would 17 you continue telling me about those 18 conversations. 19 A. The one with me and James? 20 Q. Yes. Was there any more to it than 21 you've already told? 22 A. At that particular day or at all? 23 Q. That particular day.</p>
<p style="text-align: right;">22</p> <p>1 Q. From what I am hearing, the conversation 2 between you and Ms. Butler out on the job 3 site was initiated by you; is that 4 correct? 5 A. No, I was doing my work. 6 Q. Well, did she come over to you, or did 7 you go over to her and say whatever you 8 said to start the conversation? 9 A. We didn't neither one goes to each other. 10 I was standing by a truck, and she was in 11 a truck. 12 Q. Okay. But you were the one who made the 13 statement or asked her if she had -- 14 A. No, I didn't asked her. I asked her if 15 she has something to say she needs to say 16 it. 17 Q. Okay. All right. 18 MR. LYLES: What he's asking is 19 was that after Jesse told you 20 what he told you? 21 A. Yeah, Jesse had already said, made that 22 statement. 23 Q. (By Mr. Lewis) How long before that had</p>	<p style="text-align: right;">24</p> <p>1 A. No. I mean, we had cross-sections to do, 2 and I called Todd, and I just told him 3 that things were getting out of hand. We 4 had cross-sections, We had to pay the 5 contractor, so we started back to work. 6 Q. When you said, "Things were getting out 7 of hand," what did you mean? 8 A. I mean, I knew what job. I was in charge 9 out there. Me and James were Chief 10 Inspectors and we were in charge of 11 getting them. And James had cancer, so I 12 was doing most of the legwork; he was 13 staying -- riding in the truck, writing 14 and stuff. I mean, I knew we had to pay 15 the contractor. They were coming up 16 behind us, if they cover up what we 17 needed to do cross-sections of, there is 18 no way to get it back. 19 Q. Okay. But I understand you had work to 20 do. What did you mean, "things were 21 getting out of hand"? 22 A. With all of the conversations. There 23 wasn't time for all of this to be going</p>

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<p>25</p> <p>1 on. We had work to do. We had a 2 specific task that had a specific time 3 limit, and that was the whole purpose of 4 us being out there at that place. 5 Q. Okay. But what you've just described is 6 a conversation is just a couple of 7 seconds. So what else was taking place 8 that was causing what you perceive to be 9 some interruption of your work? 10 A. Because this had been building up 11 apparently since January, I had just 12 found out like the week before. It was 13 getting to be a hostile work environment 14 because we had done quit riding together, 15 and, I mean, everybody. There was 16 tensions between the Blacks and the 17 whites because of stuff being told to one 18 group and another group. 19 Q. And what was some of the "stuff being 20 told to one group and another group"? 21 A. Rene told me that James Feagin said one 22 day while they were out there that he 23 said, where is your fin road dog?</p>	<p>27</p> <p>1 that I said racial slurs and that I 2 didn't want no trouble on the job. I was 3 retiring in December -- that we need to 4 clear it up. 5 Q. Okay. Did you get written up at all for 6 that? 7 A. No, no. 8 Q. All right. Have you ever cussed 9 Mr. Jackson out? 10 A. Cussed Mr. Jackson out? No. I never 11 cussed anybody else out. 12 Q. Have you ever gotten angry in the office 13 and thrown things? 14 A. No. 15 Q. Did you ever tell Ms. Butler that Mr. 16 Waits was either gunning for her or she 17 was on his list or anything like that? 18 A. No. 19 Q. Did either Mr. Waits, Mr. Jackson or Mr. 20 Estes ever ask you to watch Ms. Butler or 21 to report on Ms. Butler? 22 A. No. 23 Q. And you never reported that Ms. Butler</p>
<p>26</p> <p>1 And she said, "Who are you 2 talking about?" 3 And I done forgot what his 4 response was, but he said, "You better 5 watch your back if you care about her or 6 you're going to find her strung up out 7 here." 8 Q. Who was he referring to? 9 A. Me. And so I said something about 10 confronting him and said, no, she would 11 handle it. 12 Q. Are you talking about Alverene? 13 A. Yes. And so this was building up until 14 apparently the time that I finally 15 confronted James and said, "Look, James, 16 I want to know what" because me and James 17 had worked together years before. We had 18 worked together a lot in the past, and we 19 had never had a problem. 20 Q. So you reported this conversation to 21 Mr. Jackson. What did you tell 22 Mr. Jackson? 23 A. I just told him that it was being said</p>	<p>28</p> <p>1 was padding her time sheet? 2 A. No. I didn't do the time sheets. 3 Q. All right. Are you aware of whether or 4 not Ms. Butler was written up as a result 5 of the confrontation between you and her 6 over the racial slur -- alleged racial 7 slur? 8 A. Repeat that. 9 Q. Are you aware of whether or not 10 Ms. Butler was ever written up as a 11 result of the confrontation over the 12 alleged racial slur? 13 A. Not about the racial slur, no, sir. 14 Q. Are you aware of whether she was written 15 up or not at all? 16 A. Ever? Yes. 17 Q. Okay. And to your knowledge, what she 18 was written up for? 19 A. I don't know right now. 20 Q. Okay. Did Mr. Waits ever come to you to 21 ask whether or not Ms. Butler was 22 creating a hostile environment? 23 A. No.</p>

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<p>29</p> <p>1 Q. Did he ever come to you asking you 2 anything at all about Ms. Butler? 3 A. No. 4 Q. Did he ever ask you into his office to 5 ask about Ms. Butler? 6 A. No. 7 Q. During the time that you and Ms. Butler 8 worked together, did you have child care 9 responsibilities? 10 A. I have a daughter that's in school 11 still. 12 Q. Did you ever get permission or ask 13 permission or were allowed to come in a 14 few minutes late in the mornings so that 15 you could drop your daughter off or 16 prepare her for what she was going to do 17 that day? 18 A. Ever since I was employed with the State? 19 Q. Yes. 20 A. Yes. 21 Q. And during what period of time were you 22 doing that? 23 A. From the day I started in 1988 to the day</p>	<p>31</p> <p>1 Q. During that period of time did you 2 ever -- 3 A. Not to my knowledge. 4 Q. During the times that Ms. Butler and 5 Mr. Johnson and Mr. Wynn and Mr. Knight 6 were riding together in the field -- do 7 you recall that? 8 A. Yes. 9 Q. Okay. During that period of time who 10 would leave the office last, do you know 11 who would be the one to close up and lock 12 the gate and stuff like that? 13 A. Well, it's according to whether we had, 14 what kind of construction job. I mean, 15 if we were finished before the office 16 help left, the office help locked up; if 17 we were last in, then we locked up -- 18 whoever. 19 Q. And who were you riding with at that 20 time? 21 A. I had a truck. I was Chief Inspector. I 22 rode by myself. 23 Q. Okay. Did Ms. Butler ever call in to</p>
<p>30</p> <p>1 Todd put us in the field and me over 2 construction jobs. 3 Q. Was Ms. Butler working there at that 4 time? 5 A. Some of it. 6 Q. Okay. Was there a policy change at any 7 point by which you were no longer 8 permitted to do that? 9 A. No. 10 Q. All right. Was there ever a policy 11 change instituted by which workers were 12 only allowed to call in sick or late once 13 a month? 14 A. Yes. 15 Q. Okay. Do you know how long that policy 16 lasted? 17 A. I retired in April the 1st and it was 18 still ongoing. 19 Q. Still ongoing at the time. During the 20 period -- when was it instituted? 21 A. I don't remember the month. 22 Q. Okay. Did it last for a year or more? 23 A. Probably.</p>	<p>32</p> <p>1 report to you that she was ill and 2 couldn't come to work? Do you remember 3 any case like that? 4 A. Before the accident? 5 Q. I am specifically referring to the summer 6 of 2005, that would be after the 7 accident. 8 A. We weren't talking by then. 9 Q. How long did you go without talking? 10 A. Probably April until maybe November or 11 so. Sporadic, just like, hey, how you 12 doing, in between. 13 Q. Okay. Did you ever have leave that was 14 previously approved disapproved, later 15 disapproved after the fact? 16 A. Not that I know of. 17 Q. Have you ever gone through Ms. Butler's 18 personnel file? 19 A. Not when I worked out in the field. 20 Q. Well, let me ask you about August 30th, 21 2005, on that day, did you go through her 22 personnel file? 23 A. I don't remember that day.</p>

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<p>33</p> <p>1 Q. Do you remember ever going through Ms. 2 Butler's personnel file? 3 A. When I worked in the office. 4 Q. Did you go through Ms. Butler's personnel 5 file when you worked in the office? 6 A. I mean, I typed the evaluations and all, 7 and I had to file them. 8 Q. On August 30th, 2005, were you working in 9 the office? 10 A. I don't remember. 11 Q. Would your personnel file reflect whether 12 you were working in the office or out in 13 the field? 14 A. No. 15 Q. Are there documents that would reflect 16 where you were working as of August 30th, 17 2005? 18 MR. LYLES: Tell him, if you 19 know. 20 A. I don't know. I was assigned out in the 21 field. I may have been inside drawing 22 cross-sections. I don't remember. I 23 don't even remember what day that was</p>	<p>35</p> <p>1 Q. When Mr. Jackson -- I assume he would be 2 your rating supervisor? 3 A. Yes. 4 Q. Did he have conversations with you in 5 which you went over the results of your 6 appraisal? 7 A. Yes. 8 Q. Where would those conversations take 9 place? 10 A. Well, if construction was going on, we 11 had to be there. He had to come out to 12 the construction office, I mean, field, 13 to the field. If it wasn't, he would 14 call me in his office. 15 Q. So you occasionally got your appraisal 16 feedback out in the field? 17 A. Yes. 18 Q. Did you ever run compactions? 19 A. Yes. 20 Q. Did you ever take slump tests? 21 A. Yes. 22 Q. Were you ever offered a job as Civil 23 Engineer promotion?</p>
<p>34</p> <p>1 on. 2 Q. (By Mr. Lewis) Do you remember Reeser 3 Knight? 4 A. Yes. 5 Q. Did you ever talk to Ms. Knight about any 6 discomfort she experienced on the job? 7 A. Any discomfort Reeser experienced? 8 Q. Yes. 9 A. What, in specific, are you -- 10 Q. Well, any complaints that she had about 11 the job? 12 A. No. She was pregnant when she left, and 13 we would talk about that, you know, and 14 that, being careful, because my daughter 15 was pregnant at the time. I mean, just 16 general. I didn't have a problem with 17 Reeser. Just general conversation. 18 Q. You had annual appraisals; is that 19 correct? 20 A. Yes. 21 Q. And were your appraisals generally 22 good? 23 A. Yes.</p>	<p>36</p> <p>1 A. Yes, it was a TT. 2 Q. What is that? 3 A. That's the name they replaced Civil 4 Engineer with, Transportation 5 Technologist. 6 Q. All right. When were you offered that 7 job? 8 A. It was between the summer and the fall of 9 2005. I was offered a couple of 10 different times. I went on interviews, 11 and then one was offered. 12 Q. Okay. And did you accept that 13 position? 14 A. No. 15 Q. Why didn't you accept the position? 16 A. I was retiring. 17 Q. If you were retiring, why did you apply 18 for the position? 19 A. I took the test for the CE before it was 20 even changed to TT. I was on the 21 register. I had taken it, I don't know 22 how many years, or a year, before or 23 something.</p>

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<p style="text-align: right;">37</p> <p>1 Q. But you interviewed for the position 2 knowing that you were going to retire? 3 A. I interviewed for the position feeling 4 pretty sure I would retire. 5 Q. By the time it was offered to you, you 6 knew you were going to retire? 7 A. Yes. 8 Q. Have you ever received a written 9 reprimand in your position at ALDOT? 10 A. Not that I recall. 11 Q. Going back to that accident, and I asked 12 you about whether or not you had ever 13 understood that Ms. Butler had told a 14 different version of how that accident 15 occurred, and you talked about the racial 16 slur. Did you ever hear whether or not 17 Ms. Butler ever told anybody that the 18 accident was actually your fault? 19 A. The accident was my fault. It was 20 faulted to me. 21 Q. Okay. 22 A. So I don't know what you want me to 23 say.</p>	<p style="text-align: right;">39</p> <p>1 say. 2 Q. Just tell me whether or not you ever 3 heard that Ms. Butler's version of the 4 accident differed from what you had told 5 Mr. Jackson. 6 A. Her version differed to the point of 7 where I stopped or whether the guy 8 stopped. 9 Q. Okay. 10 A. That's the only thing. The proof of 11 where they stopped and the accident 12 report. That's evidence itself. 13 Q. And did you ever confront Ms. Butler over 14 the fact that she had been saying things 15 different about how the accident occurred 16 from what you had been saying? 17 A. I don't remember. It might have been 18 during the time we were, you know, at the 19 hospital, when I went to meet her. 20 Because I went to the hospital after the 21 accident with her. 22 Q. Okay. Was she hurt in the accident? 23 A. I mean, you have her doctor's reports. I</p>
<p style="text-align: right;">38</p> <p>1 Q. All right. Did you ever report to Mr. 2 Jackson that the accident was not your 3 fault? 4 A. I said it wasn't my fault as far as I was 5 stopped, and he come across, but it was 6 my fault in the sense that I was in that 7 lane of traffic, so that's how it was 8 faulted. I did not just pull out in 9 front of him for him to hit me. 10 MR. LYLES: Here is a copy of the 11 accident report. It shows 12 that she was faulted with the 13 accident. 14 Q. (By Mr. Lewis) All right. So my 15 question -- and I really don't want to 16 beat this horse, because I think it's 17 already dead: Did you ever hear that 18 Ms. Butler had told a different story 19 about how the accident took place from 20 the one you had told to Mr. Jackson? 21 A. I mean -- 22 Q. I know -- 23 A. I mean, I don't know what you want me to</p>	<p style="text-align: right;">40</p> <p>1 don't have them. Was she bleeding? 2 Q. To your knowledge, was she hurt? Did 3 she go? 4 A. She went to the hospital. 5 Q. She went to the hospital. Okay, that's 6 all I needed. 7 Did you ever -- have I asked 8 you whether or not you ever told 9 Ms. Butler that Mr. Waits was gunning for 10 her and had her on his list? Did you 11 ever tell her that anybody in management 12 at ALDOT was either out to get her or had 13 something -- 14 A. No. 15 Q. -- against her? Did anybody in 16 management at ALDOT -- I'm talking about 17 primarily Mr. Waits, Mr. Jackson, Mr. 18 Estes -- did anybody in management at 19 ALDOT ever tell you to watch out for 20 Ms. Butler or be careful around Ms. 21 Butler. 22 A. No. 23 MR. LEWIS: How about giving me a</p>

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<p>41</p> <p>1 minute?</p> <p>2 (Short recess)</p> <p>3 Q. (By Mr. Lewis) One other thing. Let me</p> <p>4 see if I can clear this up in my mind.</p> <p>5 In order to be certified as a CE or a</p> <p>6 Transportation Technologist now, did you</p> <p>7 have to take an ACI test?</p> <p>8 A. No, you have to take a CE test.</p> <p>9 Q. Okay.</p> <p>10 A. Then to have your EA II and III, and I,</p> <p>11 maybe on -- I'm not quite sure you have</p> <p>12 to have your, you know, ACI test and</p> <p>13 all.</p> <p>14 Q. What is ACI; do you know what that stands</p> <p>15 for?</p> <p>16 A. Something Concrete Institute.</p> <p>17 Q. Okay.</p> <p>18 A. American or Alabama. I don't know which</p> <p>19 one.</p> <p>20 Q. When did you take your course?</p> <p>21 A. I have no idea. It will be in my file.</p> <p>22 Q. And did you take a test at the end of</p> <p>23 that course?</p>	<p>43</p> <p>1 outside the employee --</p> <p>2 A. Ever?</p> <p>3 Q. Yes.</p> <p>4 A. Me and Mark knew each other. I knew him</p> <p>5 before he ever worked with the State. I</p> <p>6 knew his family.</p> <p>7 Q. Okay.</p> <p>8 A. I knew his daddy.</p> <p>9 Q. So y'all were friends prior to working</p> <p>10 for the State?</p> <p>11 A. Yeah. I mean, we didn't go to each</p> <p>12 other's house, but I worked with -- his</p> <p>13 dad worked over at the District.</p> <p>14 Q. How about Mr. Jackson?</p> <p>15 A. I met him on the job.</p> <p>16 Q. And no relationship outside the job?</p> <p>17 A. You were asking me personal relationship</p> <p>18 with just him or with his family?</p> <p>19 Q. Well, both.</p> <p>20 A. Well, I mean, we speak and all, but as</p> <p>21 far as going to his house and all, no.</p> <p>22 Q. You don't socialize?</p> <p>23 A. No.</p>
<p>42</p> <p>1 A. Yes. You take a field test and a written</p> <p>2 test.</p> <p>3 Q. Where did you take your written test?</p> <p>4 A. In -- we were either in the Division or</p> <p>5 this main building back there in the</p> <p>6 conference. I can't remember where.</p> <p>7 Q. Did you take it in the coordinator's</p> <p>8 office?</p> <p>9 A. No. I took it with everybody. I passed</p> <p>10 it.</p> <p>11 Q. All right.</p> <p>12 A. As a matter of fact, I think made a 98 on</p> <p>13 it.</p> <p>14 Q. And that test is good for how long?</p> <p>15 A. Four years, five.</p> <p>16 Q. You can't get your answers from him.</p> <p>17 A. Well, see, I'm retired. I've been</p> <p>18 retired nearly a year ago. I don't</p> <p>19 remember.</p> <p>20 Q. All right. One other thing. Do you</p> <p>21 have, or have you had, a relationship</p> <p>22 with either Mr. Waits or Mr. Jackson</p> <p>23 outside the workplace? In other words,</p>	<p>44</p> <p>1 Q. How about with Mr. Waits?</p> <p>2 A. No. You mean, ever or now?</p> <p>3 Q. Well, you've already explained that prior</p> <p>4 to that, you did.</p> <p>5 A. I don't socialize with anybody I used to</p> <p>6 work with anymore. I am retired.</p> <p>7 Q. Other than Ms. Butler, had you had</p> <p>8 confrontations with any of your other</p> <p>9 co-workers over the years?</p> <p>10 A. Yes.</p> <p>11 Q. Can you remember the names of the people</p> <p>12 with whom you had those confrontations?</p> <p>13 A. Eric Robbins.</p> <p>14 Q. And who is Eric Robbins?</p> <p>15 A. He was a fellow employee of ours.</p> <p>16 Q. What was that about?</p> <p>17 A. He was getting in to my personal</p> <p>18 business, and I let him know fast that</p> <p>19 that was none of his business.</p> <p>20 Q. Who else?</p> <p>21 A. I don't remember. I worked with the</p> <p>22 State 25 years.</p> <p>23 Q. How about, say, within the last five</p>

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1 years before you retired?

2 A. When you are saying "confrontation," are
3 you talking about having a discussion, or
4 are you talking about --

5 Q. No. I'm talking about --

6 A. -- disagreements.

7 Q. -- confrontations in which voices were
8 raised and tempers flared and --

9 A. I've raised my voice at Todd. I mean, I
10 don't know what you mean. I've given my
11 opinion to Mark, I mean. Did I--

12 Q. How about any confrontations that ended
13 with two of you not speaking to each
14 other?

15 A. Me and Rene.

16 Q. That's it?

17 A. Yes.

18 MR. LEWIS: Okay. That's all I
19 have.

20 (Whereupon, the deposition
21 adjourned at 10:50 o'clock
22 a.m.)
23

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1 CERTIFICATE OF COURT REPORTER

2 I, DAWN A. GOODMAN, do hereby certify;
3 That I am a Certified Shorthand Reporter
4 of the State of Alabama;

5 That the foregoing pages are a true and
6 correct transcript of the Deposition of Karen
7 Stacey;

8 I further certify that I am not interested
9 in the outcome of said matter nor connected
10 with or related to any of the parties of said
11 matter or to their respective counsel.

12 Dated this 9th day of January, 2007, at
13 Prattville, Alabama.
14
15

16 _____
DAWN A. GOODMAN, CSR
State of Alabama
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